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09/691,248	10/19/2000	Mitsuteru Kataoka	2000 1450A	5018

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WENDEROTH LIND & PONACK, L.L.P.  
2033 K Street, N.W., Suite 800  
Washington, DC 20006

EXAMINER

SINGH, NOEL K

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/691,248

Applicant(s)

KATAOKA, MITSUTERU

Examiner

Noel K Singh

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

Claims 1-14 are pending for examination.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. The effective filing date for the subject matter defined in the pending claims in this application is October 21, 1999 as per foreign application 299664/1999 (Japan).

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#### ***Drawings***

2. The drawings are objected to because of the following: 1) It appears in Fig. 11, item "140" should have read — 740, to agree with the description on page 34, line 3. 2) It appears in Fig.24, item 2514a label of "Browser Pitcher" should have read --- Content Pitcher. A proposed drawing correction or corrected drawings are required in reply to this Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

3. The disclosure is objected to because of the following informalities:

- It appears on page 6, line 2, that the number "113" should have read ---  
2514.

- It appears on page 45, line 2, that the number "1501" should have read –  
1581.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

~~A person shall be entitled to a patent unless –~~

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1,2, 3, 4 and 7 are rejected under 35 U.S.C. 102 (e) as being anticipated by Hellhake, US Patent No. 5,877,755.

6. Hellhake discloses a storage-based broadcasting system and method that supplies a user interface unique to a service composed of a content stored therein for presenting said service, as claimed in claim 1, said system comprising:

- transmission means (broadcast video channel) for transmitting a control content (data in the form of files) for realizing said user interface (presentation) as entire or part of said content (col. 4, lines 27-35); and
- receiving means (core program ) for receiving and activating said transmitted control content (data) to execute said user interface

(presentation), wherein said user interface is transmitted and received as a content (still graphic and associated software) (col. 4, lines 36-51).

7. In considering claim 2, Hellhake further discloses:

- the control content (data which includes software that allows the user to browse through the available content by selecting items from a menu as shown in Fig. 7) is a browser for said stored content (Fig. 7 and col. 6, lines 18-29).
- 

8. In considering claim 3, Hellhake further discloses:

- Content pitcher means for pitching the content including said control content; and service property information transmitting means (file ID are used to differentiate the different services. Three such services: Asbury Park Press; Franklin Mint and Shop Rite are shown in Fig. 6) for transmitting service property information indicating said service, and said receiving means comprises control content determination means (the core program can determine from the file names with the aid of the software in the data) for determining, based on said received content and service property information, said control content among the received contents (col. 6, lines 4-17).

9. In considering claim 4, Hellhake further discloses:

- content pitcher means comprises content assembler means for adding, to said content, a content header (Header ID) defining the content, and said receiving means further determines said control content among the received contents based on the content header of said received content (col. 4, lines 36-40).

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10. In considering claims 7, Hellhake further discloses:

- Content pitcher means further comprises content ID space management means for sending information for defining part of ID space of said content (Multiple files for a service. The description of Fig. 7 does not explicitly state the use of content ID space, but an examination will show that there are 7 selectable items which can be ID space and these ID space can be further defined when one of the items is selected) and said receiving means further comprises designation means for designating said control content based on the content ID included in the part of ID space (Fig. 7).

11. Claims 8-11 and 14 are similar in scope as of claims 1-4 and 7, therefore claims 8-11 and 14 are rejected for the reasons set forth above in paragraphs 6-10 for claims 1-4 and 7.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellhake in view of Markandey et al., US Patent 6,526,144.

14. Although the system disclosed by Hellhake shows substantial features of the claimed invention (discussed above), it fails to disclose, as claimed in claims 5 and 6:

- transmitting means further comprises electronic signature means for placing an electronic signature on said control content, and said service property transmitting means transmits a public key of said electronic signature as being included in said service property information, and
- said receiving means further comprises signature authentication means for authenticating said electronic signature by a public key included in said received service property information, and said control content is determined through authentication of said electronic signature.

- the authentication of said electronic signature is performed using a key unique to said service.

15. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Hellhake, as evidenced by Markandey et al., to secure the transmitted content.

~~16. In an analogous art, Markandey et al. discloses an encrypted transmission~~  
system having:

- transmitting means further comprises electronic signature means (Secure Hash Algorithm and Digital Signature Standard) for placing an electronic signature on said control content, and said service property transmitting means transmits a public key (the transmitter public key – this key was not transmitted with the data to provide greater security) of said electronic signature as being included in said service property information, and
- said receiving means (receiver) further comprises signature authentication means for authenticating said electronic signature (digital signature) by a public key (transmitter public key) included in said received service property information, and said control content is determined through



authentication of said electronic signature (col. 4, line 44, through col.5, line 8).

- the authentication of said electronic signature is performed using a key unique to said service (new key is generated for each new device, which is similar to a different key for each service)(col. 5, lines 9-14).

~~17. —Improving security of a storage broadcast system and increasing revenues would~~

have been desirable features. Thus given the teaching of Markandey et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Hellhake by employing the well known encryption methodology, such as disclosed by Markandey et al., in order to improve security and increase revenues by having all users pay for the available services.

18. Claims 12 and 13 are similar in scope as of claims 5 and 6, therefore claims 12 and 13 are rejected for the reasons set forth above in paragraphs 14 – 17, for claims 5 and 6.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ahmad et al, US Patent 6,263,507 discloses a browser for services as shown in FIG. 2B and which salient features are described in the summary of the invention.
- Sprague et al, US Patent 5,247,575 discloses a storage broadcast system with encryption (col. 9 lines 33-58).

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noel K Singh whose telephone number is (703)305-4651. The examiner can normally be reached on 8 A.M. to 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (703)305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7201 for regular communications and (703)305-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



N.S.  
July 31, 2003



KRISNA LIM  
PRIMARY EXAMINER